

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ORIGINAL

G.A. Naranjo	)	
Plaintiff	)	
	)	
	)	District No. 05 - 106 Erie
-v-	)	
	)	
James Sherman, Warden	)	
Defendant	)	
	/	

PLAINTIFF'S RESPONSE TO  
" MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION "

NOW COMES, Plaintiff G.A. Naranjo and captioned above (who is currently in custody at F.C.I. McKean, Bradford - Pennsylvania) affirmatively and respectfully states the following:

NOTE - hereinafter Plaintiff Naranjo shall be known as " PN ".

I. JURISDICTION

Compliance(s) for this 'response' is believed satisfied by 28 U.S.C. § 636 (b)(1)(B) and (C), and Rule 72.1.4(B) Local Rules For Magistrates, Local Rules of the U.S. District Court For The Western District - Pennsylvania, among maybe others.

II. PERSONALS

PN is not an attorney nor has any substantive experience, education, training, etc., in Federal Law, Court - practice(s) and procedure(s). PN is not an author or literary critic familiar with the Federal Court system, or any deemed related. PN has made prior disclosure of his indigent status and further has prior made other like related to this Honorable Court. PN has also made notice he is acting "Pro Se" . . .

Naranjo v Sherman

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## III. BRIEF CASE OVERVIEW

PN came to McKean about May 2004 to serve sentence with an expected half-way house release date of about November-December 2005. PN has been on direct appeal to the U.S. Court of Appeals For The Sixth Circuit, Cincinnati-Ohio; PN has extolled in this Honorable Court his past granted indigency status, among others, from said . . . Sixth Circuit.

PN in Erie - U.S. District Court prior filing(s) stated: his past stellar McKean work performance(s), etc.; compound reputation; his contrition and understanding including his willing compliance(s) for safety, etc., while in federal custody. But, about February 02nd - 2005 all this changed as PN was unexpectedly confined to administrative detention in S.H.U. for an alleged rule infraction having NO basis. PN remained cooperative, obedient, respectful all the while proclaiming innocence.

PN affirms writing memo's (including 'COPOUTS) and McKean communications detailing innocence, asking for: 'discovery'; law library access; telephone access, and access to stamps, etc.; medical attention, etc./etc.,; asking for Appeals Court, etc., access and access to his law materials (among many others). Said requests and access **was denied without reason(s)** or any provocation; PN never incurred any warning(s) of S.H.U., other, detention behavior violation(s) or similar. PN was told by S.H.U. Lieutenant "you were very good . . . " (among others). PN was also to receive back NO response reply(s) from anyone to his writing(s) and oral communication(s) made from S.H.U.. Interesting was said Lieutenant **granted** PN law library access but PN never received any bona fide, actual, access. PN was finally released from S.H.U. about April 12th under threat of filed suit from this Honorable Court; PN also lost personal effects.

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PN affirms his entire S.H.U. detention incident, from February 02nd to April 12 - 2005 was unnecessary, avoidable, preventable, negligence. F.C.I. McKean failed to exercise a reasonable standard of humanity, care, discretion, etc./etc., in its custody responsibilities.

IV. PN's ANSWER TO MAGISTRATE'S RECOMMENDATION

This litigant respectfully counters and cries out for "his day in court", for justice and fairness, for his chance, and prays that this Honorable District Court will reverse, vacate, etc., it's July 22nd - 2005 dated ". . . Report and Recommendation" (which denied PN further proceedings '. . . In Forma Pauperis').

V. PN's ANSWER TO MAGISTRATE'S REPORT

PN affirms making 4 writings to McKean administration and counseling from most recently late May - 2005 to, including, the recent date of July 20th - 2005, requesting inmate monies accounting(s) but nothing was ever received. This was NOT this litigant's error, mistake, nor neglect. Said McKean (Warden) **refused** PN's requests. . . and basically refused this Court.

VI. PN'S ANSWER TO MAGISTRATE'S CONCLUSION

1] PN needs this Honorable District Court's compassion, understanding, sympathy and respect for what PN has gone through and trying to do, and "from where PN is trying to do it."

2] PN extolls that he has earnestly, diligently, responsibly, tried obtaining (**in its entirety**) the complete accounting for this litigant as requested and understood needed by the Court. PN never wanted to be, nor wants to be, **penalized** by the Court. PN affirms the defendant has an interest to avoid this PN!

Naranjo v Sherman

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3] **However**, this humble and creative PN shall NOT be disrespected by the defendant in a believed display of defiance. Further, this Honorable District Court should be apprised that PN **received** the said July 22nd dated Court ". . . Judge's Report And Recommendation" in said certified envelope **dated** July 25th, on the date of July 29th from a McKean administrative staffer.

This PN has been struggling to use one of seven (1 of 7) typewriters in operable condition in the law library at McKean so he would make compliance (10 days) in the required time (Court Rules). Said typewriters are the only instruments for inmate Court access and use to be shared among over 1200 (twelve hundred) potential users. Some inmates have lodged formal and ongoing complaint(s) . . .

4] PN offers, see enclosed, what he believes would be and is a creative solution, his own private "**inmate accounting monies receipt(s)**." Attached are this litigant and plaintiff's account receipts, which number 6, and cover dates from JULY 13-2004 to February 2, 2005. This Honorable Court can now determine with it's own viewing and make its own finding(s) based on McKean's "only other record(s)" it keeps.

#### VII. DECLARATION

This humble litigant, petitioner, and PN says and affirms, based on his information and belief, and writing(s) to the F.C.I. McKean, etc., that all depictions and information contained, offered, are/is correct, accurate, true.

Naranjo v Sherman

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VIII. RELIEF (RESPECTFULLY) REQUESTED

**Wherefore**, this Plaintiff Naranjo (PN) prays for and desires help as follows in the **granting** of the following in whole or in part:

- a) Reinstatement of his complaint, and vacate and recind, recall the "Magistrate's . . . Recommendation" dated on July 22nd - 2005; accept data offered.
- b) Allow for the Plaintiff's 'Petition For Injunctive Relief', upon notice of the Court to Plaintiff, so he may compel Defendant (McKean) to offer records IF THE COURT DEEMS NOW NECESSARY !
- c) Any other just and fair and equitable relief as the Honorable District Court deems fit and proper, necessary. . . .
- d) Court communication(s) back to Plaintiff with instruction(s), etc..

dated August 09, 2005 G.A. NARANJO  
G. A. Naranjo, Plaintiff  
# 30045 039  
F.C.I. McKean; P.O.Box 8000  
Bradford, PA 16701

cc: Northeast Region Office  
Office of Counsel  
2nd and Chestnut Street(s)  
Philadelphia, PA 19106

mailing date - first class August 09, 2005

Sales Invoice ---L.O.U.---

McKean FCI

MAIN

Account No. 30045039 MCK0403

NARANJO, GREGORY ALANO

07/13/2004 05:30:42 PM TX#527694 120

## BEGINNING BALANCES:

Available Balance is \$63.97

Spending Limit Balance is \$206.95

Account Balance is \$63.97

Qty	Description	Price
1	REEBOK RUNNER	\$52.00
1	ROASTED PEANUTS	\$3.20
1	SOAP DISH	\$0.65
1	AIM 6.4 OZ TOOTH P	\$2.05
1	IRISH SPRING	\$0.80
1	COUNTRY TIME	\$1.80
1	INST. TEA W/ LEMO	\$1.70
1	HERITAGE DETERGEN	\$1.30
1	BANANNAS	\$0.25

Total \$63.75

Charge 30045039 \$63.75

Items marked with \* are Local Use Only

## ENDING BALANCES:

Available Balance is \$0.22

Spending Limit Balance is \$143.20

Account Balance is \$0.22

\*\*\*\*\*

Sales Invoice ---L.O.U.---

McKean FCI

MAIN

Account No. 30045039 MCK3874

NARANJO, GREGORY ALANO

10/27/2004 07:03:37 AM TX#502633 46

## BEGINNING BALANCES:

Available Balance is \$102.23

Spending Limit Balance is \$238.00

Account Balance is \$154.23

Qty	Description	Price
4	Debit Card	\$4.00
1	CHOC/CHIP GRANOLA	\$1.70
1	VISTA CHOC CHIP	\$1.50
1	COFFEE	\$2.45
1	CREAMER	\$1.00
4	POPCORN NATURAL	\$2.00
1	HERITAGE DETERGEN	\$1.30
1	INST. TEA W/ LEMO	\$1.70
1	FLOUR TORTILLAS	\$0.80
1	BBD CORN CHIPS	\$1.70
3	GRAPEFRUIT	\$2.70
1	GARLIC	\$0.30
3	BANANNAS	\$0.75

Total \$22.20

Charge 30045039 \$22.20

Items marked with \* are Local Use Only

## ENDING BALANCES:

Available Balance is \$80.03

Spending Limit Balance is \$216.60

Account Balance is \$132.03

Sales Invoice ---L.O.U.---

McKean FCI

MAIN

Account No. 30045039 MCK4840

NARANJO, GREGORY ALANO

08/10/2004 05:27:47 PM TX#547028 110

## BEGINNING BALANCES:

Available Balance is \$30.07

Spending Limit Balance is \$212.05

Account Balance is \$30.07

Qty	Description	Price
1	HAIR BRUSH	(\$1.25)

Total (\$1.25)

Charge 30045039 (\$1.25)

Items marked with \* are Local Use Only

## ENDING BALANCES:

Available Balance is \$21.32

Spending Limit Balance is \$214.10

Account Balance is \$21.32

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Sales Invoice ---L.O.U.---

McKean FCI

MAIN

Account No. 30045039 MCK4848

NARANJO, GREGORY ALANO

12/22/2004 06:45:39 AM TX#64114 25

## BEGINNING BALANCES:

Available Balance is \$66.72

Spending Limit Balance is \$340.00

Account Balance is \$66.72

Qty	Description	Price
2	Debit Card	\$2.00
1	INST. TEA W/ LEMO	\$1.70
1	CHOC/CHIP GRANOLA	\$1.70
1	CHOC/CHIP GRANOLA	\$1.70
1	POPCORN NAT	\$1.50
1	COUNTRY TIME	\$1.50
1	FABRIC SOFTENER	\$1.90
1	1PK FIRM TOOTHBR	\$0.55
1	IRISH SPRING	\$0.80
2	SMOKED OYSTERS	\$4.20
2	SMOKED BABY CLAMS	\$4.20
2	CRABMEAT POUCH	\$3.30
2	SMOKED MUSSELS	\$3.20
6	POPCORN NATURAL	\$3.00
2	MIXED NUTS BG	\$9.00
2	FLOUR TORTILLAS	\$1.60
2	WHOLE CALABANG POT	\$2.00

Total \$43.85

Charge 30045039 \$43.85

Items marked with \* are Local Use Only

## ENDING BALANCES:

Available Balance is \$22.07

Spending Limit Balance is \$296.15

Account Balance is \$22.07

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Attachment

1 of 2



McKean FCI 01.12.05  
 Account No. 30044039 MCK4048  
 NARANJO, GREGORY ALAN  
 01/12/2005 06:33:01 AM TX#660713 24

BEGINNING BALANCE:  
 Available Balance is \$91.68  
 Spending Limit Balance is \$295.60  
 Account Balance is \$91.68

Qty	Description	Price
1	AAA-BATTERY	\$2.28
1	RAISINS	\$1.75
1	CHOC/CHIP GRANOLA	\$1.70
1	SMOKED BABY CLOWN	\$2.10
1	1% CORN NATURAL	\$1.50
1	INST. TEA W/ LEND	\$1.70
1	INST. TEA W/ LEND	\$1.70
1	CHOCOLATE CHIP CO	\$1.80
1	BBQ CORN CHIPS	\$1.70
1	ENVELOPES 10X15	\$0.15
1	ENVELOPES 10X15	\$0.15
1	ENVELOPES 10X15	\$3.15
1	ENVELOPES 10X15	\$0.75
	Total	\$20.35

Charge 30044039 \$20.35

Items marked with \* are Local Use Only

ENDING BALANCE:  
 Available Balance is \$61.33  
 Spending Limit Balance is \$295.25  
 Account Balance is \$61.33

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Sales Invoice ---L.O.U.---  
 McKean FCI  
 Account No. 30045039 MCK4048  
 NARANJO, GREGORY ALAN  
 02/02/2005 00:26:08 AM TX#674395 11

BEGINNING BALANCE:  
 Available Balance is \$76.73  
 Spending Limit Balance is \$245.40  
 Account Balance is \$76.73

Qty	Description	Price
1	HAYDNRISE KNIFE	\$2.55
1	RAISINS	\$1.75
1	RAISINS	\$1.75
1	PINK SALMON	\$1.20
1	THAI FISH	\$1.20
1	COUNTRY TIME	\$1.00
1	COUNTRY TIME	\$1.00
1	1% CORN NATURAL	\$2.00
1	FLOR TORTILLAS	\$0.80
1	1% RIBBONS	\$3.00
1	1% RIBBONS	\$3.00
3	GRAPEFRUIT	\$2.85
1	BARLIC	\$0.30
3	Debit Card	\$3.00
	Total	\$28.60

Charge 30045039 \$28.60

Items marked with \* are Local Use Only

ENDING BALANCE:  
 Available Balance is \$48.13  
 Spending Limit Balance is \$215.00  
 Account Balance is \$48.13

BAL 40.13

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

G. A. NARANJO

Plaintiff

-v-

JAMES SHERMAN, Warden

Defendant

District No. 05 - 106 Erie  
(Civil)

**PLAINTIFF S AFFIDAVIT IN**  
**Support of "IN FORMA PAUPERIS"**

NOW COMES Plaintiff G.A.Naranjo, and after being duly sworn on oath, states and says, deposes as follows:

- 1) He is the Plaintiff, Pro Se, in the above entitled action, cause; and he is in federal custody at F.C.I. McKean, Bradford - Pennsylvania.
- 2) He has respectfully tried in vain to obtain his accounting statement(s) from said McKean to NO avail. Statement(s) requested and denied were from April-May 2004 to May 2005.
- 3) Copy(s) enclosed evidencing monies balance(s) were provided by this affiant, Plaintiff, and are inmate account receipt ledger(s), record(s), showing **balance(s)**, among others, of inmate's accounts or more particularly of this affiant.
- 4) Plaintiff affirms because of a malicious, negligent detention in February-2005, many of his own accounting records were destroyed, lost, mutilated, damaged beyond use, etc..
- 5) Said Plaintiff ledger(s), record(s), etc., were remitted back to him upon account use, for example commissary. Ledger(s) are from July 13, 2004 to February 2, 2005, respectively.

Plaintiff declares on his oath and affirmation all statements above are correct, true, etc., on belief and information and under perjury penalty(s).

dated August 09, 2005

G.A. Naranjo

G.A. Naranjo, Plaintiff (Pro Se)  
#30045 039  
F.C.I. McKean, P.O.Box 8000  
Bradford, PA 16701



August 09 , 2005

United States District Court -  
Western District of Pennsylvania  
17 South Park Row - Rm A 280  
Erie, PA 16501

Re: Naranjo v Sherman, Warden  
District No. Civ. A  
05 - 106

Attention Clerk of the Court:

Hope your summer is doing good and going well. Please find enclosed for filing:

" Plaintiff's Response To  
Magistrate's Judge's Report and Recommendation"

including 1 original(s) and 2 copy(s). Also inclosed please find my single copy to be **time stamped and returned via: enclosed, stamped, envelope.**

Certificate of Service, 1 original and 1 copy(s) are included, as well as my copy to also **be returned.**

Thank you,

G.A.N.

G.A. Naranjo  
Plaintiff

thanks...

# 30045 039  
F.C.I. McKean; P.O.Box 8000  
Bradford, Pennsylvania 16701

g.a.n./gan  
file: erie-05/08-\_\_civ489

➤ Also enclosed, please find 1 orignal and 2 copy(s) of

"Plantiff's Affidavit in Support of "In Forma Pauperis",  
and also my copy to be **stamped and returned !**

ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

G. A. NARANJO	*	
Plaintiff	*	
	*	
-v-	*	District No. 05 - 106 Erie
	*	(civil)
JAMES SHERMAN, WARDEN	*	
Defendant	*	
		/

CERTIFICATE OF SERVICE

The below undersigned, Plaintiff and captioned above states the below pleading identified, was also served on the below identified - first class mailing, with proper postage affixed, and mailing with proper addressing at legal mails drop box - F.C.I. McKean, Bradford - Pennsylvania;

"Plaintiff's Response To

MAGISTRATE'S JUDGE'S REPORT AND RECOMMENDATION"

& PLAINTIFF'S AFFIDAVIT In Support of In Forma Pauperis

(to)

Northeast Region - Office of Counsel  
2nd and Chestnut Streets  
Philadelphia, PA 19106 (Defendant)

dated August 09, 2005

G. A. Naranjo  
G.A. Naranjo  
Plaintiff  
# 30045 039  
F.C.I. McKean; P.O.Box 8000  
Bradford, PA 16701